

Gregory M. Nespole (GN-6820)
Thomas H. Burt (TB-7601)
Martin E. Restituyo (MR-0856)
WOLF HALDENSTEIN ADLER FREEMAN & HERZ LLP
Attorneys for Plaintiffs
270 Madison Avenue
New York, New York 10016
(212) 545-4600

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

LARRY FREUDENBERG, individually and
on Behalf of All Others Similarly Situated,

Plaintiff(s),

-against-

E*TRADE FINANCIAL CORPORATION,
MITCHELL H. CAPLAN, and ROBERT J.
SIMMONS,

Defendant(s).

ECF CASE

Civil Action No. 07-8538 (RWS)

CLASS ACTION

(Captions Continued. . .)

**FIRST DERIVATIVE TRADERS LP AND ROBERT AND JESSICA GRANT'S
NOTICE OF WITHDRAWAL OF THEIR MOTION AND IN SUPPORT OF THE
MOTION BY THE STATE TEACHERS RETIREMENT SYSTEM OF OHIO FOR
CONSOLIDATION, APPOINTMENT OF LEAD PLAINTIFF, AND APPROVAL OF
LEAD PLAINTIFF'S SELECTION OF LEAD COUNSEL**

WILLIAM BOSTON, Individually and On
Behalf of All Others Similarly Situated,

Plaintiff(s),

-against-

E*TRADE FINANCIAL CORPORATION,
MITCHELL H. CAPLAN, and ROBERT J.
SIMMONS,

Defendant(s).

ECF CASE

Civil Action No. 07-8808 (RWS)

CLASS ACTION

ROBERT D. THULMAN, Individually and
On Behalf of All Others Similarly Situated,

Plaintiff(s),

- against -

E*TRADE FINANCIAL CORPORATION,
MITCHELL H. CAPLAN, and ROBERT J.
SIMMONS,

Defendants.

ECF CASE

Civil Action No. 07-9651 (RWS)

CLASS ACTION

Having reviewed the pending motions seeking the appointment of Lead Plaintiff and the concomitant selection of Lead Counsel, it appears that movant State Teachers Retirement System of Ohio (“STRS”) has the “largest financial interest” in this litigation and is otherwise the most adequate plaintiff to represent the class. Movants, First Derivative Traders LP and Robert and Jessica Grant (“Movants”), thus hereby withdraw their motion seeking to be appointed Lead Plaintiff. Movants further move to support STRS’s application to be appointed Lead Plaintiff pursuant to 15 U.S.C. §78u-4(a)(3)(B)(iii) and to have Abbey Spanier Rodd and Abrams, LLP be appointed Lead Counsel of the consolidated actions.

Dated: December 20, 2007
New York, New York

Respectfully submitted,

**WOLF HALDENSTEIN ADLER
FREEMAN & HERZ LLP**

By: _____/s/
Gregory M. Nespole (GN-6820)
Thomas H. Burt (TB-7601)
Martin E. Restituyo (MR-0856)
270 Madison Avenue
New York, New York 10016
Telephone: (212) 545-4600
Facsimile: (212) 545-4653

LAW OFFICES OF MARC S. HENZEL
Marc S. Henzel
273 Montgomery Ave
Suite 202
Bala Cynwyd, PA 19004
Phone: (610) 660-8000